

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALEXANDER R. GIFFORD, Plaintiff, v. EBAY, INC., Defendant.	2:21-MC-50359-TGB-APP HON. TERRENCE G. BERG HON. ANTHONY P. PATTI ORDER STRIKING AND DISMISSING MISCELLANEOUS CASE
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Plaintiff is an enjoined filer. On December 17, 2020, the Honorable Thomas Ludington issued an order prohibiting Alexander Gifford from filing any new lawsuits in the Eastern District of Michigan without first obtaining permission from a judge of this Court. *See Alexander R. Gifford et. al. v. United States of America et. al.*, Case No. 20-cv-13187, ECF No. 5, PageID.16. No such permission has been given here, and Mr. Gifford's suit must be dismissed.

To the extent Mr. Gifford's filing may be construed liberally as asking for permission to proceed with a lawsuit, the Court cannot grant it. Having reviewed Mr. Gifford's Complaint for merit, the Court determines that the Complaint does not assert an intelligible, nonfrivolous claim. Therefore, the documents filed by Mr. Gifford under

this miscellaneous case number are **STRICKEN** and the matter is **DISMISSED**.

Plaintiff's one-paragraph "Statement of Claim" generally complains about online retailer eBay's practice of charging sales tax on goods sold through eBay's website. Plaintiff argues that "once you have purchased something legally at retail, which would include a sales tax, it is then yours to do with what you choose," and that imposing taxes on the sale of used goods "would actually be the definition of double taxation." Compl., ECF No. 1, PageID.6. But Plaintiff does not identify what legal right of his the "double taxation" he describes violates. Similarly, Plaintiff's general allegation that "something is awry and needs correction" with respect to the various fees, sales tax, and "increased shipping costs" collected by eBay does not identify any legal right of Plaintiff's that has been violated, nor any provision of law that would offer Plaintiff a remedy. ECF No. 1, PageID.6. Moreover, Plaintiff does not allege that he has sold anything through eBay, has purchased anything from eBay, or has otherwise been harmed by the practice about which he complains. Finally, Plaintiff's general allegation that "attempting to make up deficits through a taxation without adequate representation starts to sound like a constitutional crisis" does not present a cognizable legal claim. *Id.*

For these reasons, the case is **DISMISSED**, and Plaintiff's motion seeking leave to proceed in forma pauperis is **DENIED** as moot.

SO ORDERED.

Dated: November 1, s/Terrence G. Berg

2021

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE